



# Water Services etc. (Scotland) Act 2005

## 2005 asp 3

### PART 2

#### PROVISION OF WATER AND SEWERAGE SERVICES

##### *Scottish Water: services via licensed providers*

#### 17 Continuation of water services

- (1) Where—
- (a) water is supplied to premises by Scottish Water under subsection (2) of section 16; and
  - (b) the arrangements for the supply of water (made between the occupier of the premises and the water services provider who made the related request under subsection (1) of that section in respect of the premises) have come to an end—
    - (i) by reason of the revocation or suspension of the licence held by the provider; or
    - (ii) for any other reason (except where the supply is discontinued under section 18),
- the duty of Scottish Water under subsection (2) of section 16 to supply water to the premises continues for the period mentioned in subsection (2).
- (2) The period is 2 months, or such longer period as Scottish Water agrees to, from the date on which the arrangements mentioned in subsection (1)(b) came to an end.
- (3) But the continuation under subsection (1) of a duty to supply water ceases if—
- (a) it is superseded by a new duty under subsection (2) of section 16; or
  - (b) the occupier of the premises notifies Scottish Water that the supply of water is not required.
- (4) In section 9 (supply of water for non-domestic purposes) of the 1980 Act, after subsection (2), there is inserted—
- “(2A) Where a supply of water has been made to premises under subsection (2) of section 16 of the Water Services etc. (Scotland) Act 2005 (asp 3) but—

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*Status: This is the original version (as it was originally enacted).*

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- (a) the arrangements for the supply (made between the occupier of the premises and the water services provider who made the related request under subsection (1) of that section in respect of the premises) are at an end, or are to come to an end, in consequence of non-payment of charges owed to the provider in relation to the water supplied; or
- (b) the supply is discontinued (or is to be discontinued) under section 18(5) of that Act,

Scottish Water shall not be required to give a supply of water to the premises in accordance with subsection (1) if it is of the opinion that there is no reasonable prospect of recovering the charges (or any significant proportion of the charges) which it would be entitled to recover in relation to that supply of water were it given.

- (2B) Where Scottish Water decides, by virtue of subsection (2A), not to give a supply of water to premises, the occupier of the premises may by notice require the Water Industry Commission for Scotland to review that decision.
- (2C) In a review under subsection (2B), the Commission may, having regard to any representations made to it by the parties—
  - (a) confirm the decision of Scottish Water; or
  - (b) direct Scottish Water to give a supply of water to the premises in accordance with subsection (1),and the determination of the Commission in the review shall be final.”.